

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, FEBRUARY 7, 2006  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Council President Peters at 10:03 a.m. Council President Peters recessed the meeting at 10:32 a.m. to convene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 10:34 a.m. with all Council Members present. Council President Peters recessed the meeting at 10:41 a.m. to reconvene the Redevelopment Agency. Council President reconvened the regular meeting at 10:43 a.m. with all Council Members present. Council President Peters recessed the meeting at 10:44 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 10:53 a.m. with all Council Members present. Council President Peters recessed the meeting at 11:33 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:03 p.m. with Council Member Hueso not present. The meeting was recessed at 2:59 p.m. by Council President Peters for the purpose of a break. Council President Peters reconvened the meeting at 3:07 p.m. with all Council Members present. Council President Peters recessed the meeting at 3:58 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 4:05 p.m. with all Council Members present. The meeting was adjourned by Council President Peters at 4:56 p.m. into Closed Session to discuss pending and potential litigation and meet and confer matters.

**ATTENDANCE DURING THE MEETING:**

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present

(8) Council Member Hueso-present

Clerk-Maland (ek/er)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconver-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Henry Olivas wished to thank the City Council for assisting with the projects he worked on in Balboa Park.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:04 a.m. – 10:04 a.m.)

**PUBLIC COMMENT-2:**

Don Stillwell commented on bus schedules in the City of San Diego, and the Comprehensive Operational Analysis provided by the Metropolitan Transit System.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:05 a.m. – 10:07 a.m.)

**PUBLIC COMMENT-3:**

Hud Collins commented on the pension system in the City of San Diego, and the completion of the 2003 audit.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:08 a.m. – 10:10 a.m.)

**PUBLIC COMMENT-4:**

Robert Robinson commented on the 456 grave sites at the Mount Hope Cemetery.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:14 a.m.)

**PUBLIC COMMENT-5:**

Jose Lopez commented on trash and litter control in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:15 a.m. – 10:16 a.m.)

**PUBLIC COMMENT-6:**

Sandy Summers commented on the subject of civil rights.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:17 a.m. – 10:20 a.m.)

**PUBLIC COMMENT-7:**

Muhammed Abdullah commented on the subject of police beatings, and the 9/11 attack.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:23 a.m.)

**PUBLIC COMMENT-8:**

Mel Shapiro commented on finances as they relate to the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:26 a.m.)

**PUBLIC COMMENT-9:**

Laurie Kallonakis commented on guidelines which regulate medical cannabis patients.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:27 a.m. – 10:28 a.m.)

**PUBLIC COMMENT-10:**

Linda Smith commented on outsourcing as it relates to the employees of the City of San Diego.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Time duration: 10:29 a.m. – 10:31 a.m.)

**COUNCIL COMMENT:**

None.

**INDEPENDENT BUDGET ANALYST COMMENT:**

None.

**CITY ATTORNEY COMMENT:**

None.



[ITEM-330:](#)    Two actions related to Otay Mesa-Nestor – FY2006 Public Facilities Financing Plan.

(See City Manager Report CMR-05-235; Report to the City Council No. 06-014; and Draft Otay Mesa-Nestor Public Facilities Financing Plan FY2006. Otay Mesa-Nestor Community Area. District 8.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2006-577 Cor. Copy 2) ADOPTED AS RESOLUTION R-301225

Approving the document titled "Otay Mesa-Nestor Public Facilities Financing Plan, Fiscal Year 2006";

Declaring this activity is not a "project" as defined in CEQA Guidelines Section 15378; thus, it is exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

Subitem-B: (R-2006-578 Cor. Copy 2) ADOPTED AS RESOLUTION R-301226

Rescinding the existing Development Impact Fees (DIF) for the Otay Mesa-Nestor Community;

Declaring the DIF fee schedule contained in the Otay Mesa-Nestor Public Facilities Financing Plan, Fiscal Year 2006, as adopted and approved by Resolution No. R-2006-577, to be an appropriate and applicable DIF fee schedule for all properties within the Otay Mesa-Nestor Community area;

Declaring the Docket Supporting Information (City Manager's Report No. 05-235), including all exhibits and attachments thereto, and the text contained in the Otay Mesa-Nestor Public Facilities Financing Plan, Fiscal Year 2006, are incorporated by reference into this Resolution as support and justification for satisfaction of findings required pursuant to California Government Code Sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and

4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

Declaring this activity is not a "project" as defined in CEQA Guidelines Section 15378; thus, it is exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 11/30/2005, LU&H voted 3 to 0 to approve the City Manager's recommendation. (Councilmembers Peters, Young, and Frye voted yea. Councilmember Atkins not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:32 a.m. – 10:32 a.m.)

MOTION BY MADAFFER TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-331: Two actions related to City Heights Square Senior Housing Project, First Implementation Agreement.

(See Redevelopment Agency Report RA-06-06/RTC-06-007. Mid-City Community Area. District 3.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2006-658) ADOPTED AS RESOLUTION R-301227

Authorizing the Mayor to execute and approves the Findings of Benefit for use of Centre City housing low/mod set-aside funds outside of the Centre City Project Area.



Subitem-B: (R-2006-660 Cor. Copy) ADOPTED AS RESOLUTION R-301228

Stating for the record that the Redevelopment Agency of the City of San Diego has previously reviewed and considered information contained in the Mitigated Negative Declaration No. 40960 with respect to the City Heights Square Senior Housing Project;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Recorder's Office at the County of San Diego regarding the above project.

Staff: Bob Kennedy – (619) 533-4276  
Eunice Chan – Deputy City Attorney

**NOTE:** See the Redevelopment Agency Agenda of 2/7/2006 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. – 10:35 a.m.;  
10:43 a.m. – 10:44 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY ATKINS TO RECONSIDER ITEM 331 AFTER THE COMPANION ITEM FOR THE REDEVELOPMENT AGENCY WAS APPROVED. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-332: Volunteers of America.

Matter of approving, conditionally approving, modifying or denying a Coastal Development Permit, Planned Development Permit and Conditional Use Permit to allow for a Transitional Housing and Residential Care Facility with reduced rear yard setback for stairs, reduced on-site parking, reduced residential open space and reduced sleeping/storage area per resident in an existing 35,691 square feet building on a 1.44 acre. The property is located at 3565 Del Rey Street in the CC-4-2 Zone within the Pacific Beach Community Plan, Coastal Overlay (non-appealable) Coastal Ht Limit. Council District 2.

(See City Manager Report CMR-05-228. Pacific Beach Community Plan Area. District 2.)

**STAFF'S RECOMMENDATION:**

Adopt the resolution in Subitem A; and adopt the resolution in Subitem B to grant the permits:

Subitem-A: (R-2006-528) NOTED AND FILED

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration No. 76767, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Administration Code Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the coastal development permit, planned development permit, and conditional use permit for the Volunteers of America project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the Office of the City Clerk attached hereto and incorporated by reference, is hereby approved;

That pursuant to California Public Resources Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit "A" and incorporated herein by reference;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2006-529) DENIED PERMITS, ADOPTED AS RESOLUTION  
R-301233

Adoption of a Resolution adopting the findings with respect to Coastal Development Permit (CDP) Permit No. 238780, Conditional Use Permit (CUP) No. 238781, and Planned Development Permit (PDP) No. 238782.

**OTHER RECOMMENDATIONS:**

Land Development Code Section 141.0313, 'Transitional Housing Facilities' does not require a Planning Commission recommendation in accord with a Process 5 City Council decision.

The Pacific Beach Community Planning Committee has been notified of this item and has not submitted a recommendation. Scheduled to consider on November 24, 2005.

**STAFF SUPPORTING INFORMATION:**

The project site consists of two existing structures that adjoin each other and are addressed as 3565 and 3567 Del Rey Street, on the east side between Bunker Hill and Glendora Streets within the CC-4-2 zone, Coastal Overlay Zone (non-appealable area), Coastal Height Overlay Zone and within the boundaries of the Pacific Beach Community Plan area. The site abuts the right-of-way of the Interstate 5 Freeway and the area of the site is 24,709 square-feet. The northerly of the two structures on site is a two-story building developed as a restaurant that has been closed to the general public for a number of years, and the southerly structure is a three-story medical office building. The restaurant has a surface parking lot on the north side and the medical office building has parking on the lower level below the office areas.

The former Mission Bay Hospital is to the north and currently used as a research center. The immediate property to the south is a parking lot for the Kaiser Medical office building lying across Del Rey Street to the west. The extended immediate neighborhood is a mix of older residential uses, an under-construction mixed use project with commercial uses on the ground level and residential (including affordable units) on the upper floors, and other commercial uses. Mission Bay Drive, two blocks to the west, is a main entry and exit boulevard to the north and southbound Interstate 5 lanes and to the Pacific Beach community. New and used car dealerships predominate the commercial strip on Mission Bay Drive with additional car repair shops, gas stations and smaller strip mall style commercial uses.

**FISCAL IMPACT:**

All costs associated with the processing of this project application are paid from a deposit account maintained by the applicant.

Oppenheim/Halbert/RK

**LEGAL DESCRIPTION:**

The project site is located at 3565-3567 Del Rey Street in the CC-4-2 Zone (Commercial Community) within the Pacific Beach Community Plan, the Coastal Overlay Zone (non-appealable area), the Transit Area Overlay Zone, and the Coastal Height Limit Overlay Zone and is more particularly described as Parcel 1 of Parcel Map No. 2023 together with a portion of Lot 4 of Eureka Lemon Tract and a portion of Bunker Hill Street (APN 424-323-34 and 35). Council District 2.

Staff: Bob Korch – (619) 446-5229  
Douglas Humphreys - Deputy City Attorney

**NOTE:** This item is not subject to Mayor's veto.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:04 p.m. – 4:48 p.m.)

Testimony in opposition by Shawn Evans, Pam Slater-Price, Ron Houston, Benjamin Nichols, Mark Mitchell, Bruce Markey, Marcie Beckett, Scott Chipman, Jim Moore, Lorena Gonzalez, Jarvis Ross, Phil Hart, and Steven Fisher.

Testimony in favor by Gerald McFadden, Mitch Berner, Donna Jones, Robert Laing, Charissa McAfee, Judge Ronald Johnson, Pauline Berryman, Jim Jackson, Steven Withers, Gary Smith, Marc d'Hondt, Travis Ingram, Lawrence Woodburn, Lorraine Carroll, Leslie Wade, Rosemary Johnston, Michael Castaneda, and Gorden Cruse.

**MOTION BY FAULCONER TO ADOPT THE RESOLUTION IN SUBITEM B TO DENY THE PERMITS.** Second by Maienschein. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-nay, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-nay.



**ITEM-333:** Fifth Update to the Land Development Code.

Matter of approving, conditionally approving, modifying or denying the Fifth Update to the Land Development Code and Local Coastal Program Amendment. The Fifth Update includes six different types of amendments: 1) Amendments to Chapters 11, 13, and 14 of the LDC to clarify how things are defined or measured; 2) Amendments to Chapters 12 and 14 of the LDC to improve the permit process and address inconsistencies in the existing regulations; 3) Amendments to Chapters 13 and 14 of the LDC to clarify the existing separately regulated uses and uses regulated by the Agricultural and Commercial base zones; 4) Amendments to Chapters 6 and 12 of the Municipal Code to remove the redundancy between these Chapters with respect to CEQA implementation procedures and to clarify the City's existing implementation procedures for Notice of Determinations; 5) Amendments to Chapter 14 of the LDC to address inconsistencies in the parking regulations and modify parking requirements; and 6) Amendments to Chapters 11-14 of the LDC to make minor corrections.

The Fifth Update to the Land Development Code constitutes an amendment to City of San Diego's Local Coastal Program (LCP) and must be certified by the Coastal Commission. If the City Council approves the Fifth Update to the Land Development Code, the associated LCP amendment will be submitted to the California Coastal Commission for review and adoption. The LCP amendment will not become effective until after adoption by the California Coastal Commission.

(See Report to the City Council No. 06-011. Citywide.)

**STAFF'S RECOMMENDATION:**

Adopt the resolution in Subitem A; and introduce the ordinances in Subitems B, C, and D:

Subitem-A: (R-2006-657) ADOPTED AS RESOLUTION R-301229

Adoption of a resolution stating for the record that the amendments to the Land Development Code are a subsequent discretionary approval of the project addressed in Environmental Impact Report No. 96-0333, and Environmental Impact Report Addendum No. 42-1548, and therefore not a separate project under CEQA Guideline Sections 15060(c)(3);

Stating for the record that the information contained in the Environmental Impact Report No. 96-0333, and Environmental Impact Report Addendum No. 42-1548, including any comments received during the public review process, have been previously reviewed and considered by this Council and it is determined that this subsequent discretionary approval of the amendments to the Land Development Code do not involve substantial changes or new information of substantial importance which would warrant any additional environmental review.

Subitem-B: (O-2006-86) INTRODUCED, TO BE ADOPTED ON  
TUESDAY, FEBRUARY 21, 2006

Introduction of an Ordinance amending Chapter 12, Article 6, Division 5, by amending section 126.0504; amending Chapter 14, Article 3, Division 9, by amending sections 143.0910, 143.0915, and 143.0920, of the San Diego Municipal Code, all relating to the Land Development Code.

Subitem-C: (O-2006-87) INTRODUCED, TO BE ADOPTED ON  
TUESDAY, FEBRUARY 21, 2006

Introduction of an Ordinance amending Chapter 11, Article 3, by amending Sections 113.0103, 113.0234, and 113.0273; amending Chapter 12, Article 6, Division 1, by amending Section 126.0110; amending Chapter 13, Article 1, by amending Sections 131.0222, 131.0322, 131.0422, 131.0448, 131.0522, 131.0540, and 131.0622; amending Chapter 14, Article 1, by amending Sections 141.0414, 141.0606, 141.0612, and 141.0620; amending Chapter 14, Article 1, Division 6, by repealing Section 141.0615; amending Chapter 14, Article 1, Division 6, by adding Section 141.0624; amending Chapter 14, Article 1,

Division 6, by renumbering Section 141.0624 to Section 141.0625; amending Chapter 14, Article 1, Division 6 by renumbering Section 141.0625 to Section 141.0626; amending Chapter 14, Article 2, by amending Sections 142.0310, 142.0530, 142.0545, 142.0560, and 142.0740; amending Chapter 14, Article 3, by amending Sections 143.0110, and 143.0410, of the San Diego Municipal Code, all relating to the Land Development Code.

Subitem-D: (O-2006-88 Cor. Copy) INTRODUCED, TO BE ADOPTED ON  
TUESDAY, FEBRUARY 21, 2006

Introduction of an Ordinance amending Chapter 6, Article 9, of the San Diego Municipal Code by repealing Divisions 1-3, pertaining to the California Environmental Quality Act; and amending Chapter 11, Article 3, Division 2, by amending Section 113.0267; amending Chapter 12, Article 1, Division 5, by amending Section 121.0505; amending Chapter 12 Article 4, Division 1, by amending Section 124.0106; amending Chapter 12 Article 6, Division 3, by amending Section 126.0303; amending Chapter 12, Article 8, Division 3, by amending Sections 128.0310, and 128.0313; amending Chapter 12, Article 9, by amending Sections 129.0102, 129.0211, 129.0218, 129.0219, 129.0312 and 129.0413; amending Chapter 13 Article 1, Division 4, by amending Section 131.0443; amending Chapter 13, Article 2, Division 3, by amending Section 132.0306; amending Chapter 14, Article 1, Division 10, by amending Section 141.1004; amending Chapter 14, Article 2, by amending Sections 142.0505, 142.0820, 142.1250, 142.1270, and 142.1291; amending Chapter 14, Article 3, Division 1, by amending Section 143.0101; amending Chapter 14, Article 4, Division 5, by amending Section 144.0504; amending Chapter 14, Article 5, Division 4, by amending Sections 145.0410, and 145.0425, of the San Diego Municipal Code, relating to the Land Development Code.

**COMMITTEE ACTION:**

Reviewed by Land Use and Housing Committee on 5/25/2005. Motion to approve the City Manager's recommendation including staff recommended amendment to San Diego Municipal Code 128.0310 to clarify that Environmental Impact Report candidate findings and statements of overriding consideration, if applicable, are included in the requirement for public distribution 14 days prior to public hearing or discretionary review.

Districts 1, 3, and 6, voted yea. Districts 4 and 8 not present.

**OTHER RECOMMENDATIONS:**

Planning Commission on May 12, 2005, voted 6-0 to approve; no opposition.

Motion to recommend to the City Council that they approve staff's recommendations with the exception of item No. 19, code change to repeal the redundant section of the CEQA Implementation Procedures in Chapter. No opposition.

Ayes: Garcia, Chase, Ontai, Schultz, Griswold, Otsuji

Not present: Steele

Planning Commission on May 12, 2005, voted 5-1 to approve; no opposition.

Motion to recommend to the City Council that they approve staff's recommendations for item No. 19, code change to repeal the redundant section of the CEQA implementation procedures in Chapter 6.

Ayes: Garcia, Otsuji, Ontai, Schultz, Griswold

Nay: Chase

Not Present: Steele

Community Planners Committee (CPC): On March 22, 2005, the Community Planners Committee reviewed the proposed Fifth Update to the Land Development Code and voted (12-0-4) to support the proposed amendments.

**STAFF SUPPORTING INFORMATION:**

The Fifth Update to the Land Development Code (LDC) is part of the code-monitoring program directed by the City Council as part of the adoption of the LDC in January 2000. The code-monitoring program is managed by the Land Development Code Update section within the Land Development Review Division of the Development Services Department. The first four updates were each divided into Policy Issues, Consistency Corrections, and Minor Corrections. In an effort to be more descriptive, the Fifth Update is instead divided into six categories including Measurement, Permit Process, Use, CEQA Implementation Procedures, Parking, and Minor Corrections. There are a total of 49 issues included in the Fifth Update.



Staff has conducted extensive research and analysis involving multiple City departments and other governmental agencies. The code update process is a long process that involves the Technical Advisory Committee, Code Monitoring Team, Community Planners Committee, Planning Commission, Land Use and Housing Committee, City Council, and California Coastal Commission. If the City Council approves the Fifth Update to the Land Development Code, the associated LCP amendment will be submitted to the California Coastal Commission for review and adoption. The LCP amendment will not become effective until after adoption by the California Coastal Commission.

**FISCAL IMPACT:**

The Fifth Update is a part of the Land Development Code Update work program and is funded as an overhead expense in the Development Services Department's budget.

Waring/Halbert/AJL

**LEGAL DESCRIPTION:**

Citywide.

Staff: Amanda Lee – (619) 446-5367  
Hilda Ramirez Mendoza – Deputy City Attorney

**FILE LOCATION:** SUBITEM A: MEET  
SUBITEMS B, C & D: NONE

**COUNCIL ACTION:** (Time duration: 10:36 a.m. – 10:40 a.m.)

MOTION BY MAIENSCHIN TO ADOPT THE RESOLUTION IN SUBITEM A; AND INTRODUCE THE ORDINANCES IN SUBITEMS B, C, AND D. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-334: Grant Residence.

Matter of the appeal by George P. and Irene R. Chandler of the environmental determination by City of San Diego staff to certify Mitigated Negative Declaration No. 54670 for the Grant Residence project. This project proposes the demolition of the existing 2,806 square foot, one-story single family residence and construction of a two-story, above basement, 6,946 square-foot single family residence, with an attached three-car garage, on an existing 25,167 square-foot site located at 6929 Fairway Road, east of and adjacent to Fairway Road and west of Country Club Drive in the La Jolla Community Plan Area. This appeal applies only to the environmental determination.

(See Report to the City Council No. 06-006. Project No. 54670. La Jolla Community Plan Area. District 1.)

**STAFF'S RECOMMENDATION:**

Adopt the resolution in Subitem A and adopt the resolution in Subitem B to deny the appeal and to uphold the Planning Commission's decision:

Subitem-A: (R-2006- ) ADOPTED AS RESOLUTION R-301230

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 54670 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administrative Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the designated Development Services staff;

That the City Council of the City of San Diego finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration is hereby approved;

That pursuant to California Public Resources Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2006- ) DENIED APPEAL, ADOPTED AS RESOLUTION  
R-301231

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision of the Planning Commission in certifying Mitigated Negative Declaration No. 54670.

**OTHER RECOMMENDATIONS:**

Planning Commission on October 20, 2005, voted 7-0 to deny the appeal and approve the project with additional conditions added: 1) irrigation/drip system limited to the lower end of the slope; (2) plant material on east side be drought tolerant plants; and (3) geotechnical engineer provides a final review of the landscape plan; was opposition.

Ayes: Steele, Ontai, Schultz, Garcia, Chase, Griswold, Otsuji

The La Jolla Community Planning Association, on April 7, 2005, voted 11:4:1 to recommended approval of this project.

**STAFF SUPPORTING INFORMATION:**

The proposed project for which Mitigated Negative Declaration No. 54670 has been prepared and previously Certified by the Planning Commission on October 20, 2005, is the demolition of an existing one-story, 2,806 square foot, single family residence and the construction of a two-story, above basement, 6,946 square-foot single family residence, with attached three-car garage, and detached pool. The project site is located at 6929 Fairway Road on a 25,167 square-foot lot zoned RS-1-4 within the Coastal Overlay Zone (non-appealable area), Coastal Height Limit Overlay Zone and within the boundaries of the La Jolla Community Plan.

This appeal is before the City council because of an amendment to the California Environmental Quality Act (CEQA). Effective January 1, 2003, Section 21151(c) CEQA has been amended as follows: *If a non-elected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or a mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any.*

Pursuant to this amended legislation, George Chandler and Irene Chandler filed an appeal (Attachment No. 2) of the Planning Commission's adoption of Mitigated Negative Declaration for the Grant Residence project. This appeal applies only to the environmental determination.

**FISCAL IMPACT:**

None with this action. All cost associated with the processing of this project are paid by the applicant.

Oppenheim/Halbert/LCB

**LEGAL DESCRIPTION:**

The project site is located at 6929 Fairway Road in the RS-1-4 Zone, Coastal Overlay Zone (non-appealable), within the La Jolla Community Plan, Council District 1, and is more particularly described as Lot 21 of La Jolla Country Club Knolls Subdivision, according to Map No. 4039, in the City of San Diego.

Staff: Laura Black – (619) 446-5112

**NOTE:** This item is not subject to Mayor's veto.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 10:54 a.m. – 11:33 a.m.)

Testimony in opposition by George Chandler, Irene Chandler, Jim Shultz, Jennefer Isler and Peter Isler.

Testimony in favor by Matthew Peterson.

MOTION BY MADAFFER TO ADOPT THE RESOLUTION IN SUBITEM A AND ADOPT THE RESOLUTION IN SUBITEM B TO DENY THE APPEAL AND TO UPHOLD THE PLANNING COMMISSION'S DECISION. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

**NON-DOCKET ITEMS:**

None.

**ADJOURNMENT:**

The meeting was adjourned by Council President Peters at 4:56 p.m. in honor of the memory of:

Donna Thompson as requested by Council Member Atkins,  
Fay Crawford Brimmen as requested by Council Member Atkins, and  
Thomas D'Angelo Johnson as requested by Council Member Young.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Time duration: 4:48 p.m. – 4:56 p.m.)